



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: FEBRUARY 5, 2008

ITEM NO: **VII-1**

**SUBJECT:** PLANNING APPLICATION PA-07-41  
3400 AVENUE OF THE ARTS

**DATE:** JANUARY 24, 2008

**FROM:** DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION

**PRESENTATION BY:** HANH NGUYEN, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT:** HANH NGUYEN, ASSISTANT PLANNER (714)754-5640

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## **RECOMMENDED ACTION**

Adopt resolution approving Planning Application PA-07-41, as recommended by the Planning Commission.

## **BACKGROUND**

On January 14, 2008, by a vote of 5 to 0, Planning Commission recommended City Council approve Planning Application PA-07-41, which consists of a master plan amendment for “3400 Avenue of the Arts” apartment complex (formerly known as “The Lakes at South Coast”) to reduce the landscape/sidewalk easement along a portion of Sakioka Drive from 25 feet to 20 feet.

A 25-foot wide landscape/sidewalk easement was recorded as part of the project’s original approval to accommodate a meandering sidewalk buffered from the street by landscaping. The property is located within the North Costa Mesa Specific Plan area; however, there are no policies related to the depth of the landscape easement.

## **ANALYSIS**

The applicant proposes to reduce the easement to accommodate 14 additional onsite parking spaces. The public parkway and sidewalk will be unaffected by this request.

Planning Commission supports the proposed 20-foot landscape/sidewalk easement for several reasons. Code currently requires a 20-foot deep landscape setback along public streets for planned development zones (this property is zoned Planned Development Residential-High Density). Approval of the easement reduction is consistent with the recently approved 890-unit apartment project (The Enclave) located across Sakioka Drive from this site. Lastly, the mature trees existing onsite will be relocated a few feet to the west to accommodate the new parking spaces; therefore, the streetscape will not substantially change.

If approved, Public Services will work with the applicant to process the necessary documents, reflecting the modified landscape/sidewalk easement, prior to issuance of a grading permit.

**ALTERNATIVES CONSIDERED**

If Council approves the request, the applicant would be able to reduce the landscape/sidewalk easement and provide 14 additional onsite parking spaces.

If Council denies the request, the existing landscape/easement will remain the same and the applicant would not be able to provide additional parking spaces.

**FISCAL REVIEW**

Fiscal review is not required.

**LEGAL REVIEW**

The City Attorney's office has approved the attached resolution as to form.

**ENVIRONMENTAL REVIEW**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15305, for Minor Alterations in Land Use Limitations.

**CONCLUSION**

Planning Commission has found that the request conforms with current Code requirements and maintains the streetscape by preserving the existing parkway, sidewalk, and the mature, onsite trees, and is consistent with the intent of the specific plan to promote and maintain high quality development.



HANH NGUYEN  
Assistant Planner



DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

- Attachments: Zoning/Location Map
- Plans
- Draft City Council Resolution
- Minutes of Planning Commission meeting of January 14, 2008
- Planning Division Staff Report
- Planning Commission Resolution

- Distribution: City Manager
- Asst. City Manager
- City Attorney
- Deputy City Manager-Development Svs. Dir.
- Public Service Director
- City Clerk (2)
- Staff (4)
- File (2)

RECEIVED  
 CITY CLERK  
 2008 JAN 25 AM 10:56  
 CITY OF COSTA MESA  
 BY

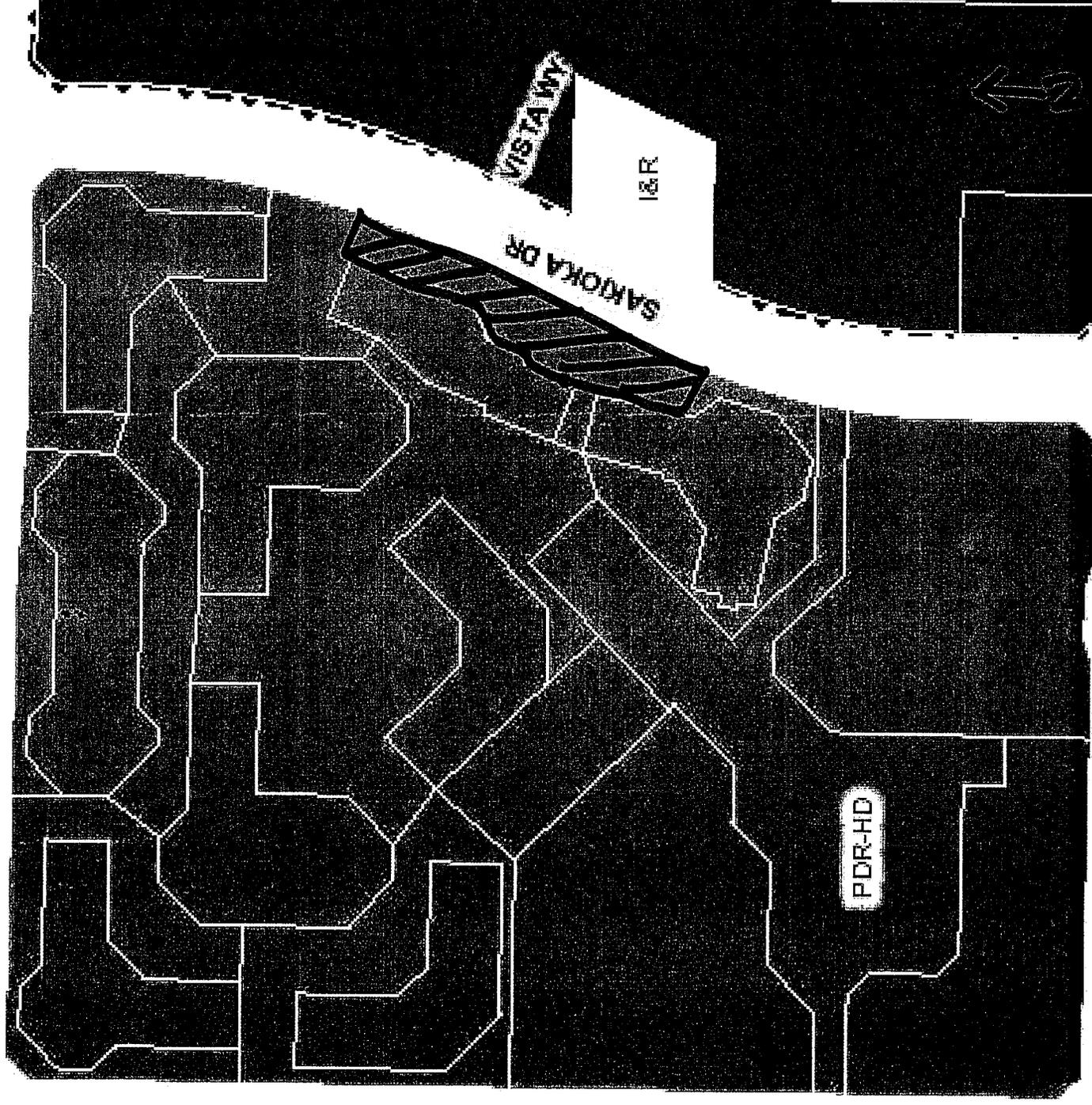
Bill Hall  
16361 Scientific Way  
Irvine, CA 92618

Arthur Robertson  
LA Lakes QRS, Inc.  
26 Executive Park #125  
Irvine, CA 92614

File: 020508PA0741	Date: 012408	Time: 2:30 p.m.
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SANTA ANA

SUNFLOWER AV



ENCL: E GIR

PDR-I

VISTA WAY

I&R

SAKOKA DR

PDR-HD

ANTON BLVD

PDR-I

3' 6" 1/2

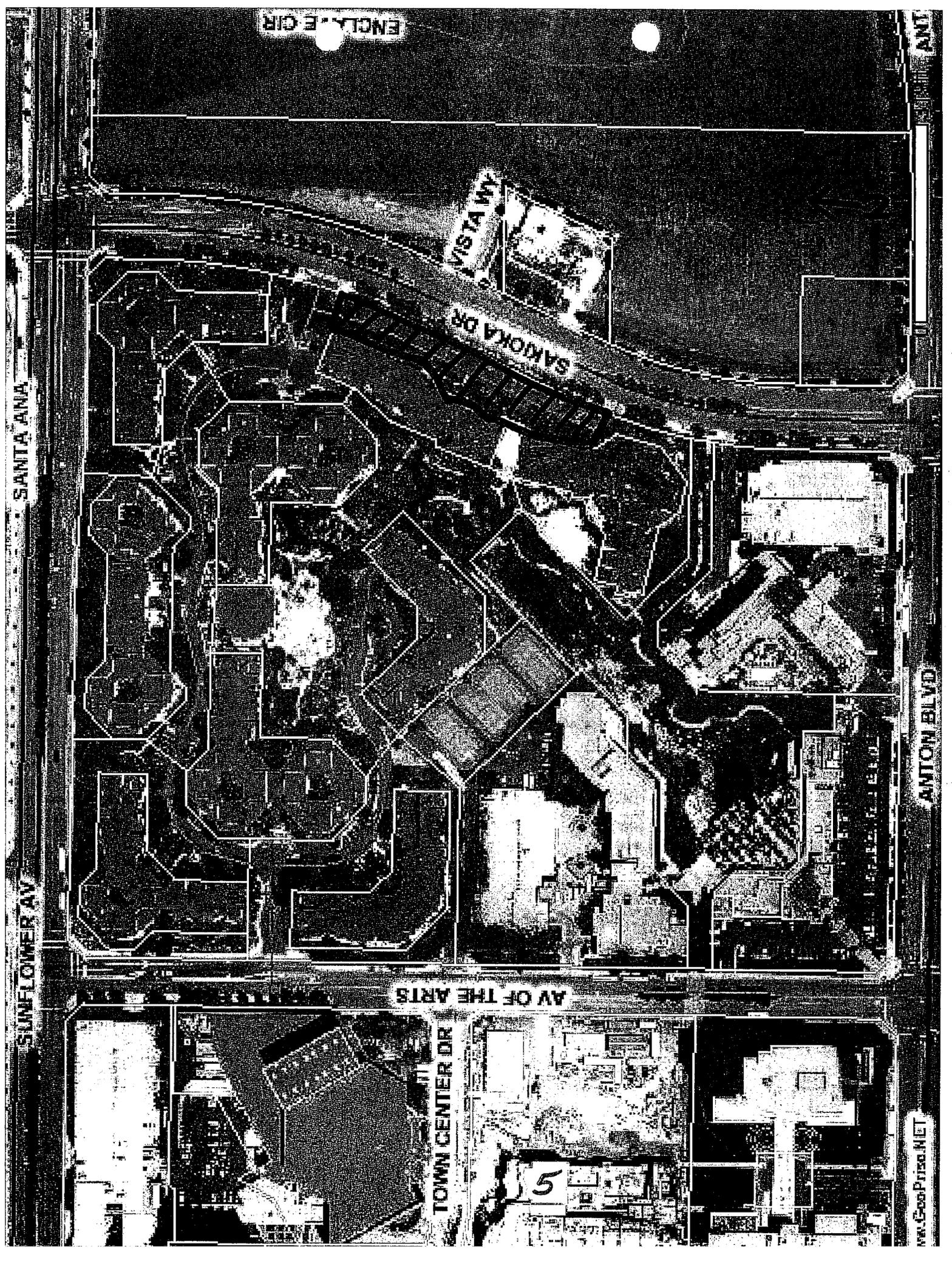
AV OF THE ARTS

TOWN CENTER DR



TC

4



ENCL. E GIR

SANTA ANA

SUNFLOWER AV

AV OF THE ARTS

TOWN CENTER DR

ANTON BLVD

VISTA WAY

SAKOKA DR

5

West Coast Prison Mkt





RESOLUTION NO. 08-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-07-41.**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVE AS FOLLOWS:

WHEREAS, an application was filed by Bill Hall, authorized agent for LA Lakes QRS, Inc., owner of real property located at 3400 Avenue of the Arts, requesting approval of a master plan amendment to reduce a landscape/sidewalk easement along a 400-foot portion of Sakioka Drive from 25 feet to 20 feet, within the PDR-HD zoning district; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on January 14, 2008, to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project; and

WHEREAS, the Planning Commission recommended that City Council approve Planning Application PA-07-41 by adopting Resolution No. PC-08-04; and

WHEREAS, a duly noticed public hearing was held by the City Council on February 5, 2008.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **APPROVES** Planning Application PA-07-41 for the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-41 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 5<sup>th</sup> day of February, 2008.

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ALLAN MANSOOR  
Mayor, City of Costa Mesa

**ATTEST:**

**APPROVED AS TO FORM:**

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City Clerk of the  
City of Costa Mesa

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City Attorney



## EXHIBIT "A" (APPROVAL)

FINDINGS

- A. The master plan amendment meets the broader goals of the General Plan, the North Costa Mesa Specific Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. Specifically, the proposed setback is consistent with current Code requirements as well as will recent approvals for the Enclave apartment project, located directly to the east of this site. The parkway between the street and the sidewalk will remain unchanged and mature trees existing on-site where the parking is proposed, will be relocated to maintain the current appearance of the streetscape.
- B. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

## EXHIBIT "B"

CONDITIONS OF APPROVAL (if project is approved)

- Plng.
1. No modification(s) of the approved plans shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
  2. The conditions of approval, Code provisions, and special district requirements of Planning Application PA-07-41 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
  4. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.

4. Planning Application PA-07-41, for Bill Hall, authorized agent for Art Robertson/LA Lakes QRS, Inc., for a master plan amendment to reduce a landscape/sidewalk easement on Sakioka Drive from 25 ft. to 20 ft., located at 3400 Avenue of the Arts, in a PDR-HD zone. Environmental determination: exempt.

Assistant Planner Hanh Nguyen reviewed the information in the staff report and there were no questions of staff.

Arthur Robertson, representing the property owner, agreed to all the conditions of approval. Mr. Robertson explained the existing parking conditions and the proposed visitor parking spaces.

No one else wished to speak and the Chair closed the public hearing.

**MOTION: Recommend to City Council approval of Planning Application PA-07-41, by adoption of Planning Commission Resolution PC-08-04, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".**

**Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark,  
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

Planning Commission Secretary Kimberly Brandt mentioned that this item would be scheduled for the City Council meeting of February 5, 2008.



# PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 14, 2008

VI.4

ITEM NUMBER

SUBJECT: PLANNING APPLICATION PA-07-41  
3400 AVENUE OF THE ARTS

DATE: JANUARY 3, 2008

FOR FURTHER INFORMATION CONTACT: HANH NGUYEN, ASSISTANT PLANNER (714) 754-5640

## PROJECT DESCRIPTION

Master plan amendment for "3400 Avenue of the Arts" apartment complex (formerly known as "The Lakes at South Coast") to reduce a landscape/sidewalk easement along a portion of Sakioka Drive from 25 feet to 20 feet.

## APPLICANT

Bill Hall is representing the property owner, LA Lakes QRS, Inc.

## RECOMMENDATION

Recommend to City Council approval by adoption of Planning Commission resolution, subject to conditions.

HANH NGUYEN  
Assistant Planner

KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## **BACKGROUND**

Master Plan PA-85-10, Development Review DR-85-02, and Tract Map T-12341 were approved on January 28, 1985, for a 770-unit residential development in a Planned Development High Density Residential zone. Although the tract map was recorded, the units have never been individually sold. The apartment complex was formerly known as "The Lakes at South Coast"; it is presently named "3400 Avenue of the Arts". The original project included variances for reduced parking requirements (1,494 parking spaces provided; 1,925 spaces required) and for an 18-foot building setback along Sunflower Avenue and Avenue of the Arts (25 feet setback required).

A 25-foot deep easement was provided along Sakioka Drive, which contains a 5-foot wide public sidewalk as well as a 20-foot deep landscape setback. This easement, provided in conjunction with a 7-foot deep landscape parkway abutting the public street, allows the public sidewalk to be placed on private property. Consequently, the 7-foot deep parkway buffers the sidewalk from the public street and provides a more attractive streetscape.

The applicant proposes to reduce the easement along a portion of Sakioka Drive from 25 feet to 20 feet to provide 14 additional onsite parking spaces. The parkway and public sidewalk will be unaffected by this request. City Council review and approval is required because the application involves modifications to a recorded easement.

## **DISCUSSION**

Staff supports the proposed 20-foot landscape/sidewalk easement for several reasons. Code currently requires a 20-foot deep landscape setback along public streets for planned development zones. The reduced easement will allow additional parking spaces onsite and the property will still comply with current open space requirement (53% provided; 42% required). A total depth of 22-feet of landscaped area will remain between the public street and the new parking spaces. Approval of the easement reduction is consistent with the recently approved 890-unit apartment project (The Enclave) located across Sakioka Drive from this site, which was permitted to reduce the easement from 25 feet to 20 feet. Lastly, the mature trees existing on-site will be relocated a few feet to the west to accommodate the new parking spaces; therefore, the streetscape will not substantially change.

The property is located within the North Costa Mesa Specific Plan area; however, there are no policies related to the depth of the landscape easement. Since the reduced setback will conform with the current Code requirements and maintain the streetscape by preserving the existing parkway, sidewalk, and the mature, on-site trees, it is staff's opinion that this request is consistent with the intent of the specific plan to promote and maintain high quality development.

## **GENERAL PLAN CONFORMITY**

Approval of a 20-foot landscape/sidewalk easement is consistent with General Plan Open Space Goal OSR-1 in that open space along Sakioka Drive will be maintained and preserved.

**ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Recommend City Council approves the application for reduced landscape/sidewalk easement from 25 feet to 20 feet, subject to conditions.
2. Recommend City Council denies the application. If City Council denies the application, the applicant could not submit substantially the same project for 6 months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15305 for Minor Alterations in Land Use Limitations.

**CONCLUSION**

Staff believes that the proposed 20-foot landscape easement is consistent with current Code requirements, the intent of the original easement, the North Costa Mesa Specific Plan, and is compatible with recent approvals within the surrounding area.

Attachments:       Draft Planning Commission Resolution  
                           Exhibit "A" - Draft Findings  
                           Exhibit "B" – Conditions of Approval  
                           Applicant's Project Description and Justification  
                           Location/Zoning Map  
                           Plans

Distribution:       Deputy City Manager - Dev. Svs. Director  
                           Assistant City Attorney  
                           Assistant City Engineer  
                           Fire Protection Analyst  
                           Staff (4)  
                           File (2)

cc:                   Bill Hall  
                           16361 Scientific Way  
                           Irvine, CA 92618

LA Lakes QRS, Inc.  
 26 Executive Park, Ste. 125  
 Irvine, CA 92614

File: 011408PA0741	Date: 010308	Time: 9:00 a.m.
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RESOLUTION NO. PC-08-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
COSTA MESA RECOMMENDING APPROVAL OF PLANNING  
APPLICATION PA-07-41 TO THE CITY COUNCIL**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

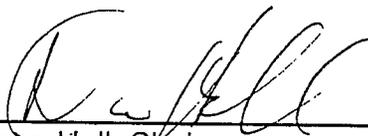
WHEREAS, an application was filed by Bill Hall, authorized agent for LA Lakes QRS, Inc., owner of real property located at 3400 Avenue of the Arts, requesting approval of a master plan amendment to reduce a landscape/sidewalk easement along a portion of Sakioka Drive from 25 feet to 20 feet, within the PDR-HD zoning district; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 14, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **RECOMMENDS APPROVAL TO CITY COUNCIL** of Planning Application PA-07-41 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-07-41 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws.

**PASSED AND ADOPTED this 14<sup>th</sup> day of January 2008.**

  
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Don Hall, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

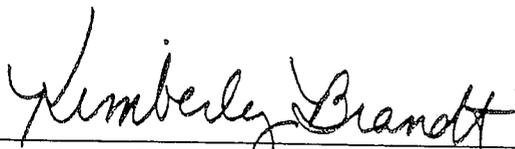
I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 14, 2008, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, CLARK, EGAN, RIGHEIMER

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa  
Planning Commission

## EXHIBIT "A"

FINDINGS

- A. The master plan amendment meets the broader goals of the General Plan, the North Costa Mesa Specific Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. Specifically, the proposed setback is consistent with current Code requirements as well as will recent approvals for the Enclave apartment project, located directly to the east of this site. The parkway between the street and the sidewalk will remain unchanged and mature trees existing on-site where the parking is proposed, will be relocated to maintain the current appearance of the streetscape.
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EXHIBIT "B"

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